

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)****Title of Invention** | **DYNAMIC KNEE BALANCER**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☒ The attached application, or
- ☐ Application No. UNASSIGNED, filed on \_\_\_\_\_,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed

to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor 1 MR. MICHAEL G. FISHERDate: 26 January 04Signature: [Signature]Citizen of: United StatesInventor 2 MR. MICHAEL HOWARDDate: 03 FEBRUARY 04Signature: [Signature]Citizen of: United StatesInventor 3 MR. ANTHONY K. MEDLEY, M.D.Date: 03 February 04Signature: [Signature]Citizen of: United StatesInventor 4 MR. TOSHINOBU KATSUYA

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: JapanInventor 5 MR. KEVIN CORDESDate: 1/26/04Signature: [Signature]Citizen of: United States☐ Additional inventors are being named on additional form(s) attached hereto.

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**FULL NAME OF INVENTOR(S)**

Inventor 1	<u>MR. MICHAEL G. FISHER</u>	Date:	<u>26 January 04</u>
Signature:	<u>[Signature]</u>	Citizen of:	<u>United States</u>
Inventor 2	<u>MR. MICHAEL HOWARD</u>	Date:	_____
Signature:	_____	Citizen of:	<u>United States</u>
Inventor 3	<u>MR. ANTHONY K. HEDLEY, M.D.</u>	Date:	_____
Signature:	_____	Citizen of:	<u>United States</u>
Inventor 4	<u>MR. TOSHINOBU KATSUYA</u>	Date:	<u>1/26/04</u>
Signature:	<u>[Signature]</u>	Citizen of:	<u>Japan</u>
Inventor 5	<u>MR. KEVIN CORDES</u>	Date:	<u>1/26/04</u>
Signature:	<u>[Signature]</u>	Citizen of:	<u>United States</u>

☐ Additional inventors are being named on additional form(s) attached hereto.

# POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number

20350

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

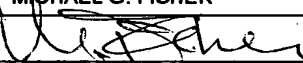
Assignee Name and Address:

SYNVASIVE TECHNOLOGY, INC.  
4925 ROBERT J. MATHEWS PARKWAY  
EL DORADO HILLS, CA 95762

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

## SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	MICHAEL G. FISHER		
Signature		Date	26 January 04
Title	President and CEO	Telephone	916-939-3913

Attorney Docket No.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: FISHER et al.Application No./Patent No.: UNASSIGNED

Filed/Issue Date: \_\_\_\_\_

Entitled: DYNAMIC KNEE BALANCERSYNVASIVE TECHNOLOGY, INC., a CALIFORNIA CORPORATION(Name of Assignee)  
etc.)(Type of Assignee, e.g., corporation, partnership, university, government agency,  
etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

26 January 04

Date

916-939-3913

Telephone number

MICHAEL G. FISHER

Typed or printed name

Michael G. Fisher

Signature

President and CEO

Title